



Log # 2019-3455

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On August 27, 2019, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on August 27, 2019, Officer Jennifer Finnegan<sup>2</sup> falsely reported that ██████████ directed toward her words to the effect of, “I’m going to beat your ass,” during a street stop of ██████████ and her partner, ██████████<sup>3</sup> Upon review of the evidence, COPA served additional allegations that Officer Finnegan engaged in unprofessional conduct by stating, “Fuck her, I’m going to Tase her ass,” and “I don’t give a fuck if she’s pregnant, she ain’t going to tell me she’s going to beat my ass.” COPA also served allegations that Officer Finnegan failed to timely activate her body worn camera (BWC), use de-escalation techniques with ██████████ and pointed a Taser in the direction of ██████████<sup>4</sup> Following its investigation, COPA reached Sustained findings regarding the unprofessional conduct allegations, the failure to timely activate BWC and use of de-escalation techniques allegations, and the Taser pointing allegation.

### II. SUMMARY OF EVIDENCE<sup>5</sup>

On the morning of August 27, 2019, ██████████ and ██████████ were standing in the vicinity of 334 N. Laramie Avenue with their young daughter. ██████████ stated that they were there because they just finished dropping another daughter off at school.<sup>6</sup> ██████████ left ██████████ to visit a McDonald’s restaurant where she received a call from ██████████ that Officer Leatrice Woody<sup>7</sup> was attempting to arrest him for selling loose cigarettes.<sup>8</sup> When she returned, ██████████ was being detained for selling cigarettes. Officer Finnegan responded to the scene, and she and other officers started searching

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> At the time of the incident, Officer Finnegan’s last name was Uzubell. After the incident, Officer Uzubell married and took the last name Finnegan.

<sup>3</sup> One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>4</sup> COPA chose not to serve allegations on Officer Perez (CO-1087833, CO-1088208, and CO-122040). Although Officer Perez was identified as the arresting officer, she responded to the scene and did not initiate the stop.

<sup>5</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, civilian interviews, and officer interviews.

<sup>6</sup> Att. 56, Statement of ██████████ (transcript), pg. 11, Ins. 1 to 7.

<sup>7</sup> Att. 58, Woody CPD Details. Officer Woody resigned from CPD on September 15, 2021.

<sup>8</sup> Att. 56, pg. 9, Ins. 7 to 10.

█████ daughter's stroller for loose cigarettes.<sup>9</sup> █████ became agitated and began shouting and lunging toward the officers at the stroller while Sergeant Assata Olugbala, and other civilians present, restrained her.<sup>10</sup>

After the stroller had been returned to █████ and █████ was no longer restrained, Officer Finnegan engaged in a verbal altercation with █████<sup>11</sup> At one point during the verbal altercation, █████ stated that she would call OPS<sup>12</sup> and Officer Finnegan told her multiple time to call them now, asking █████ "Where's your phone?"<sup>13</sup> During an exchange with █████ Officer Finnegan claimed that █████ directed words toward her to the effect of, that █████ "was going to kick my ass" or "was going to beat my ass."<sup>14</sup> █████ denied making the statement. Officer Finnegan stated that the statement was not captured on her BWC, even though she activated it as soon as she stepped out of her vehicle while her BWC was buffering.<sup>15</sup> Officer Finnegan also stated that she truly believed that █████ stated to her that she was going to beat her ass.<sup>16</sup>

█████ began to walk away from the scene, and Officer Finnegan followed her, requesting that █████ be arrested.<sup>17</sup> Three officers held █████ to place her in custody.<sup>18</sup> Officer Finnegan stated, "Fuck her, I'm going to tase her ass."<sup>19</sup> Officer Finnegan then took her Taser out and pointed it in the direction of █████<sup>20</sup> Officer Finnegan admitted to making the statement and said she did so because █████ was an assailant.<sup>21</sup> Officer Finnegan believed that █████ was an assailant because █████ threatened to beat her ass.<sup>22</sup> Officer Finnegan also admitted to engaging in unprofessional conduct when she made the statement.<sup>23</sup> Officer Finnegan stated that she pointed her Taser at █████ because she believed █████ to be an assailant and because █████ refused to be handcuffed.<sup>24</sup> She also stated that at the time she pointed the Taser, she did not recall █████ threatening her.<sup>25</sup>

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<sup>9</sup> Att. 17, BWC of Officer Tasheica Lindsay at 2:12 to 2:45.

<sup>10</sup> Att. 17 at 1:13 to 2:00.

<sup>11</sup> Att. 17 at 5:50.

<sup>12</sup> Office of Professional Standards investigated complaints of misconduct prior to COPA.

<sup>13</sup> Att. 17 at 5:52 to 6:04.

<sup>14</sup> Att. 54, Statement of Officer Jennifer Finegan Part 1 (transcript), pg. 33, lns. 12 to 14.

<sup>15</sup> Att. 53, Statement of Officer Jennifer Finnegan Part 2 (transcript), pg. 12, lns. 16 to 18 and pg. 17, lns. 1 to 5. The time stamp on the BWC of Officer Tasheica Lindsay, who also responded to the scene, showed Officer Finnegan on scene at T14:42:54Z and showed Officer Finnegan searching the stroller at T:14:45:18Z. Officer Finnegan's BWC began at time stamp T:14:47:37.

<sup>16</sup> Att. 54, pg. 57 lns. 19 to 20.

<sup>17</sup> Att. 31 at 2:04.

<sup>18</sup> Att. 31 at 2:26 – 2:28.

<sup>19</sup> Att. 31 at 2:08.

<sup>20</sup> Att. 31 at 2:10.

<sup>21</sup> Att. 54, pg.39 ln. 23 to pg. 40, ln. 2.

<sup>22</sup> Att. 54, pg.18 ln. 24 to pg. 19, ln. 8.

<sup>23</sup> Att. 54, pg. 58 lns. 14 to 18.

<sup>24</sup> Att. 53, pg. 15, lns. 2 to 7.

<sup>25</sup> Att. 53, pg. 15, lns. 21 to 23.

After Officer Finnegan withdrew her Taser, a woman walked up and stated to Officer Finnegan that [REDACTED] was pregnant.<sup>26</sup> After [REDACTED] was handcuffed and in custody, Officer Finnegan stated “I don’t give a fuck if she’s pregnant, she ain’t going to tell me she’s going to beat my ass.”<sup>27</sup> Officer Finnegan admitted to making that statement.<sup>28</sup> She stated that sometimes you have to use harsh language to take control of the situation.<sup>29</sup> Officer Finnegan also stated that she did not perform any de-escalation tactics during her encounter with [REDACTED] because she believed those techniques to be impractical due to [REDACTED] agitation with her and the fact that [REDACTED] was out of control.<sup>30</sup>

[REDACTED] was transported to the 15<sup>th</sup> District Police Station. At the station, Watch Commander Allen Lee reviewed the BWC from officers on the scene and determined that [REDACTED] did not threaten Officer Finnegan. Commander Lee noted that he had to watch the video multiple times because “the offender was talking very fast and making it difficult to understand.”<sup>31</sup> He concluded that “though it sounded as though the offender stated, ‘I want that bitch beaten up’ what was actually said was, ‘I want that bitch beat number.’”<sup>32</sup> [REDACTED] request for a beat number was caught on the BWC of Officer Lindsay.<sup>33</sup> [REDACTED] was therefore released without charges. Officer Finnegan completed a Tactical Response Report (TRR);<sup>34</sup> however, the TRR documented that it was completed in error.

### III. ALLEGATIONS

#### **Officer Jennifer Finnegan:**

1. Engaging in unprofessional conduct by stating words to the effect of, “Fuck her, I’m going to Tase her ass.”
  - Sustained, violation of Rule 2, 3, 8 and 9.
2. Engaging in unprofessional conduct by stating words to the effect of, “I don’t give a fuck if she’s pregnant, she ain’t going to tell me she’s going to beat my ass.”
  - Sustained, Violation of Rule 2, 3, 8 and 9.
3. Falsely reporting that [REDACTED] directed words to you to the effect of, “I’m going to beat your ass.”
  - Not Sustained

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<sup>26</sup> Att. 31 at 2:13.

<sup>27</sup> Att. 31 at 3:24-3:28.

<sup>28</sup> Att. 54 pg. 36 lns. 5 to 13.

<sup>29</sup> Att. 54 pg. 36, lns. 19 to 20.

<sup>30</sup> Att. 53, p. 13, ln. 17 to pg. 14, ln. 14.

<sup>31</sup> Att. 6, Arrest Report, p. 5.

<sup>32</sup> Att. 6, p. 5.

<sup>33</sup> Att. 17 at 6:05 to 6:07.

<sup>34</sup> Att. 60.

4. Failing to timely activate your body worn camera.
  - Sustained, Violation of Rules 2, 3, 5, 6 and 10.
5. Failing to use de-escalation techniques with respect to ██████████ to reduce the need for force.
  - Sustained, Violation of Rule 2, 3, 5, 6 and 10.
6. Pointing Taser in the direction of ██████████
  - Sustained, Violation of Rule 2, 3, 6 and 38.

#### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

#### V. ANALYSIS<sup>35</sup>

- a. **There is insufficient evidence that Officer Finnegan falsely reported that ██████████ stated, “I’m going to beat your ass.”**

Rule 14 prohibits members from making false oral or written reports. However, a CPD member will not be charged with a Rule 14 violation “unless the Department member willfully made a false statement and the false statement was made about a fact relevant to the investigation.”<sup>36</sup> Here, there is insufficient evidence that Officer’s statement was willfully false. Although the available evidence supports that ██████████ did not threaten Officer Finnegan, considering ██████████ shouting, earlier lunging toward Officer Finnegan, and the use of the word “beat,” it is reasonably possible that Officer Finnegan misheard ██████████ and thought ██████████ was threatening her. For these reasons, COPA finds this allegation to be **Not Sustained**.

- b. **Officer Finnegan directed unprofessional language toward ██████████**

Officer Finnegan admitted to directing words at ██████████ to the effect of, “Fuck her, I’m going to Tase her ass,” and “I don’t give a fuck if she’s pregnant, she ain’t going to tell me she’s going to beat my ass” during the incident. These statements violated Rules 2, 3, 8 and 9 of the Chicago Police Department rules and regulations. Finnegan stated that she used such language because ██████████ was an assailant and sometimes harsh language was used to take control of a situation. However, Officer Finnegan’s language was disrespectful and unacceptable under any circumstances. Officer Finnegan’s language was also detrimental to the goals of the CPD. COPA finds the allegations against Officer Finnegan to be **Sustained**.

<sup>35</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>36</sup> Att. 57, G08-01-01-01 (II)(N), Department Member Bill of Rights.

**c. Officer Finnegan failed to timely activate her body worn camera.**

Special Order S03-14 requires officers to activate their BWC “at the beginning of an incident” and requires that the cameras “record the entire incident for all law enforcement related activity.”<sup>37</sup> Failure to follow these requirements violates Rules 2, 3, 5, 6 and 10. Responding to the scene and engaging in an adversarial manner with ██████ were law enforcement related activities. Officer Finnegan’s claim that she activated her BWC as soon as she stepped out of her vehicle was not supported. Officer Lindsay’s BWC showed Officer Finnegan on the scene and engaging in police activity several minutes before Officer Finnegan’s BWC was activated. COPA finds this allegation to be **Sustained**.

**d. Officer Finnegan failed to use de-escalation techniques with respect to ██████**

G03-02 requires CPD members to use de-escalation techniques to reduce the need for force when safe and feasible to do so.<sup>38</sup> Failure to do this violates Rules 2, 3, 5, 6 and 10. Officer Finnegan’s statement that de-escalation techniques were impractical is not supported by the evidence. Here, ██████ had calmed down enough to be no longer restrained when she said she would call OPS. At this point, Officer Finnegan unnecessarily chose to taunt ██████ which had the effect of agitating ██████ as opposed to making her calm in violation of the directive to use techniques that reduced the need to use force. COPA finds this allegation to be **Sustained**.

**e. Officer Finnegan pointed her Taser at ██████ without justification.**

Taser use is authorized for active resisters and assailants when it is objectively reasonable, necessary under the circumstances, and proportional to the threat, actions, and level of resistance offered by the subject, for the purpose of gaining control of and restraining the subject.<sup>39</sup> Failing to follow this directive is a violation of CPD Rules 2, 3, 6, and 38. Officer Finnegan stated that she pointed her Taser at ██████ because she was an assailant and refused to be handcuffed. Although Officer Finnegan did not deploy her Taser, based on Officer Finnegan’s reasoning above, she pointed her Taser at ██████ as a means of control. However, here, the circumstances did not make the pointing of the Taser necessary. Multiple officers were already holding ██████ at the time Officer Finnegan pointed the Taser. Officer Finnegan further admitted that ██████ was no longer threatening her when she pointed the Taser and was not an assailant at the time. ██████ was Released without Charges because BWC revealed that she did not threaten Officer Finnegan. In addition, Officer Finnegan did not document how ██████ was an assailant and submitted a TRR in error. Therefore, COPA finds this allegation to be **Sustained**.

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<sup>37</sup> Att. 52, S03-14 (III)(A)(2).

<sup>38</sup> Att. 50, G03-02 (III)(B)(4), Use of Force.

<sup>39</sup> Att. 51, G03-02-04, Taser Use Incidents.

**VI. DISCIPLINARY RECOMMENDATION**

**a. Officer Jennifer Finnegan**

**i. Complimentary and Disciplinary History<sup>40</sup>**

Officer Finnegan has received 46 various awards and a 1-day Suspension in 2019 for Operation/Personnel Violations Conduct Unbecoming and a 2-day Suspension in 2019 for Conduct Unbecoming Violations Abuse of Authority.

**ii. Recommended Discipline**

COPA found that Officer Finnegan violated Rules 2, 3, 5, 6, 8, 9, 10 and 38 when she engaged in unprofessional conduct by stating words to the effect of, “Fuck her, I’m going to Tase her ass,” engaged in unprofessional conduct by stating words to the effect of, “I don’t give a fuck if she’s pregnant, she ain’t going to tell me she’s going to beat my ass, failed to timely activate her BWC, failed to use de-escalation techniques with respect to [REDACTED] to reduce the need for force, and pointed a Taser in the direction of [REDACTED]. For these reasons, combined with the officer’s complimentary history and disciplinary history, COPA recommends a **10-day Suspension**.

Approved:

[REDACTED]

12-28-2023

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Angela Hearts-Glass  
*Deputy Chief Investigator*

\_\_\_\_\_  
Date

<sup>40</sup> Att. 61.

**Appendix A**

**Case Details**

Date/Time/Location of Incident:	August 27, 2019/9:44 am/1344 N. Laramie Avenue
Date/Time of COPA Notification:	August 27, 2019/1:16 pm
Involved Member #1:	Jennifer Finnegan, Star No. 16637, Employee ID No. [REDACTED], Date of Appointment June 19, 2000, Unit of Assignment 15, female, White
Involved Individual #1:	[REDACTED] female, Black

**Applicable Rules**

- Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

**Applicable Policies and Laws**

- S03-14: Body Worn Cameras (effective April 30, 2018 to present)
- G01-01: Vision, Mission Statement and Core Values (effective May 21, 2019 to present)
- G03-02: Use of Force (effective October 16, 2017 to February 29, 2020)
- G03-02-01: Force Options (effective October 16, 2017 to February 29, 2020)
- G03-02-04: Taser Use Incident (effective October 16, 2017 to February 29, 2020)
- G08-01-01: Department Member Bill of Rights (effective May 14, 2018 to June 29, 2022)

## Appendix B

### **Definition of COPA’s Findings and Standards of Proof**

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.<sup>41</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>42</sup>

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<sup>41</sup> See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

<sup>42</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).



**Appendix C**

**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation